

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FUNDIENT, LLC, SCOTT  
GORDON, SAL MIRRAN,  
*Plaintiffs*

v.

JOHNSON CONTROLS, INC.,  
*Defendant*

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**No. 1:22-CV-00284-RP**

**ORDER**

Before the Court are Plaintiffs' Motion to Compel Johnson Controls, Inc. (JCI) to Produce Documents Responsive to Plaintiffs' First Requests for Production, Dkt. 41; Plaintiffs' Motion to Compel JCI to Produce Documents Responsive to Plaintiffs' Jurisdictional Discovery Requests, Dkt. 42; and JCI's Opposed Renewed Motion to Stay Discovery Pending Resolution of Its Renewed Motion to Dismiss, Dkt. 45. The District Court referred the motions to the undersigned for disposition. The undersigned set the motions for a hearing, Dkt. 54, which was held on September 22, 2022. For the reasons stated on the record in that hearing, the Court makes the following rulings and enters the following orders.

The Court **GRANTS** Plaintiff's Motion to Compel JCI to Produce Documents Responsive to Plaintiffs' First Requests for Production, Dkt. 41; and **DENIES** JCI's Opposed Renewed Motion to Stay Discovery Pending Resolution of Its Renewed Motion to Dismiss, Dkt. 45. The Court **OVERRULES** JCI's objections to these

discovery requests. The Court **ORDERS** JCI to fully respond to this discovery by October 24, 2022.

The Court **GRANTS** Plaintiffs' Motion to Compel Johnson Controls, Inc. to Produce Documents Responsive to Plaintiffs' Jurisdictional Discovery Requests, Dkt. 42. The Court **ORDERS** JCI to respond to Plaintiffs' Jurisdictional Requests for Production 4 and 5 by October 7, 2022. That production should include all documents and communications memorializing the planning and preparation to present the September 22, 2020, presentation referenced in Plaintiffs' First Amended Petition; how many hours were spent in connection with the preparing of the slide deck itself and any preparation for the delivery of the presentation; any planning emails among the presenters and calendar invites for planning meetings among the presenters; any notes from planning meetings among the presenters; and, finally, any other responsive documents and communications. After receiving these responses, Plaintiffs will have up to 14 days from the date of receipt to supplement their response to JCI's Reurged Motion to Dismiss, Dkt. 45. If JCI wishes to file a supplemental reply addressing new arguments raised in Plaintiffs' supplemental response, it must do so within 7 days of being served with Plaintiffs' supplemental response. The parties may not agree to extend the deadlines for serving jurisdictional discovery, the supplemental response, or the supplemental reply without obtaining leave from the Court.

Lastly, the Court reminds JCI that the Court may award expenses against any party that is uncooperative in discovery. *See* Fed. R. Civ. P. 37(a)(5).

SIGNED September 22, 2022.



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DUSTIN M. HOWELL  
UNITED STATES MAGISTRATGE JUDGE